Case: 1:04-cv-03469_Pocument #: 1 Filed: 05/18/04 Page 1 of 5 PageID #:1

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

MAY 1 9 2004

) JUDGE DER-YEGHIATAN
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COMPLAINT

Plaintiffs, by their attorneys, complain of the defendant and allege as follows:

- 1. This is an action to recover unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §201 *et. seq.* ("the Act" or "the FLSA"). Jurisdiction for this action is conferred upon this Court by 28 U.S.C. §1337.
- 2. Plaintiffs are residents of this judicial district and consent to the maintenance of this action. Plaintiffs' consents to the maintenance of this action are attached hereto.
 - 3. Plaintiffs are or were employees of Defendant.
- 4. Defendant Chicago Transit Authority ("the CTA") is a legally independent public entity located within Cook County, Illinois.
- 5. The CTA is and at all times hereinafter mentioned has been an employer of plaintiffs within the meaning of §§ 3(d) and 3(e)(2)(C) of the Fair Labor Standards Act of 1938 ("Act"), as amended, 29 U.S.C. §§203(d) and (e)(2)(C), and subject to the provisions of §7 of the Act, as



amended, 29 U.S.C. §207.

- 6. At all times relevant herein, the CTA has been and is an enterprise engaged in commerce for purposes of §3(s)(1) of the Fair Labor Standards Act of 1938, 29 U.S.C. §203(s)(1).
- 7. The plaintiffs were, during some or all of the period from May 2002 to the present, non-exempt employees of the CTA within the meaning of §3(e)(2)(C) of the Act, 29 U.S.C. §203(e)(2)(C).
- 8. During one or more workweeks between May 2002 and the present, plaintiffs were suffered or permitted to work in excess of forty (40) hours for the CTA.
- 9. Each of the plaintiffs have been paid no overtime compensation of any kind for hours worked in excess of forty (40) hours in at least one workweek during the period May 2002 to the present.
- 10. From May 2002 to the present, the CTA has knowingly and intentionally failed and refused to pay plaintiffs any compensation of any kind for the hours they worked in excess of forty (40) hours in a workweek in violation of §§7(a) and 15(a)(2) of the Fair Labor Standards Act, as amended, 29 U.S.C. §§207(a), 215(a)(2).
- 11. Plaintiffs are entitled to overtime compensation of time and one-half their regular rate of pay for all hours they worked in excess of 40 in a workweek for each workweek subsequent to May 2002 pursuant to §§7(a) of the Fair Labor Standards Act, as amended, 29 U.S.C. §§207(a), 215(a)(2).

WHEREFORE, Plaintiffs pray that judgment be entered against the Defendant as follows:

A. A declaratory judgment finding that Defendant has violated §§7 and 15(a)(2) of the Fair Labor Standards Act, 29 U.S.C. §§207 and 215(a)(2);

- B. A judgment against Defendant for all sums which may be found to be due to plaintiffs as compensatory damages, liquidated damages, attorneys' fees and costs. 29 U.S.C. § 216.
- C. An order directing such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiffs hereby demand trial by jury.

Respectfully submitted,

Marvin Gittler

Marvin Gittler
Librado Arreola
ASHER, GITTLER, GREENFIELD,
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200 W. Jackson Blvd., Suite 1900
Chicago, Illinois 60606
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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS

In the Matter of

EASTERN DIVISION

Kazi H. Ali, et al.,

JUDGE DER-YEGHIAYAN

v.

Plaintiffs, DOCKETED Case Out C 3469

Chicago Transit Authority,
Defendant.

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS AMAGISTE ASHMAN
Plaintiffs, Kazi H. Ali, et al.

(A) (B) 33 Librado Arreola Gittler, Greenfield & D'Alba, Ltd. Asher (STREET ADDRESS 200 W. 200 W. <u>Jackson Blvd. Suite 1900</u> Jackson Blvd Suif# CITY/STATE/ZIP CITY/STATE/ZIP Chicago, IL 60606 <u>Chicago, TL 60606</u> TELEPHONE NUMBER FAX NUMBER TELEPHONE NUMBER FAX NUMBER <u>312-263-1500</u> 312**-**263-1520 312-263-1500 312-263-1520 E-MAIL ADDRESS IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6203323 6275065 MEMBER OF TRIAL BAR? YES K K MEMBER OF TRIAL BAR? YES 囟 NO TRIAL ATTORNEY? NO TRIAL ATTORNEY? YES YES Ø DESIGNATED AS LOCAL COUNSEL? X YES NO **(D)** SIGNATURE Marvin Gittler Asher, Gittler, Greenfield & D'Alba, Ltd. STREET ADDRESS STREET ADDRESS 200 W. Jackson Blvd., Suite 1900 CITY/STATE/ZJP CITY/STATE/ZIP Chicago, IL 60606 TELEPHONE NUMBER FAX NUMBER FAX NIMBER TELEPHONE NUMBER 312-263-1500312-263-1520 E-MAIL ADDRESS E-MAIL ADDRESS IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) (DENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 00965472 MEMBER OF TRIAL BARY MEMBER OF TRIAL BAR? YES NO YES \mathbf{x} NO TRIAL ATTORNEY? YES \mathbf{x} NO TRIAL ATTORNEY? YES NO DESIGNATED AS LOCAL COUNSEL? YES NO 团 DESIGNATED AS LOCAL COUNSEL? YES NO